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DOJ FOR OPDAT ALEXANDRE, LEHMANN, CRAWFORD, LENTZ
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SUBJECT: INDONESIA STEPS UP EFFORTS TO PASS TIP
LEGISLATION

REFTEL: JAKARTA 7216

¶1. (SBU) Summary: Indonesia's Parliament (DPR) has completed a new draft of its proposed anti-trafficking legislation. President Yudhoyono has designated the Ministry of Women's Empowerment (KNPP) and the Ministry of Law & Human Rights to prepare executive branch comments on the bill. The Government must submit its views on the bill to the DPR by September 25 in order to trigger joint debate on the legislation since its passage must be mutually agreed to by both branches of government. Key sources expect the bill to be passed by the DPR before the end of November 2006. However, this timeline may not be reliable given the unpredictable and slow nature of the Indonesian legislative process. On August 30, Ambassador Pascoe pushed Presidential Advisor Dino Djala for speedy passage of the bill. Post requests that Under Secretary Burns and other U.S. officials meeting DPR

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Speaker Agung Laksono in Washington in two weeks to press him for action on the bill. End Summary.

Status of the new anti-trafficking bill

¶2. (U) On June 9, the DPR released a new draft Law on the Eradication of Criminal Acts of Human Trafficking (PTPPO). The draft included many comments and suggestions from the U.S. Department of Justice (DOJ). We submitted these comments to Dra. Latifah Iskandar, Chair of the DPR Special Committee on the PTPPO through a USAID-funded human trafficking legislation advisor to the committee and to Laksmie Indrimayah, a member of the Legal Bureau of the Attorney General's Office (AGO) by the Mission's Resident Legal Advisor (DOJ/OPDAT). Significant among the accepted recommendations was defining "human trafficking" more clearly to include the three essential elements of the crime (act, means, purpose). To address the concern of the GOI's Corruption Eradication Commission (KPK) the new draft explicitly applies to Government officials, military officers, law enforcement and public officials. Finally, provisions for victim's rights and consideration of electronic evidence in trafficking prosecutions have been added.

¶3. (U) On July 28, President Yudhoyono received the

new draft of the PTPPO, and on August 14 he designated the Ministry of Women's Empowerment (KNPP) and the Ministry of Law & Human Rights to coordinate the Executive Branch's consideration of the PTPPO. By statute, the Government has until September 25 to submit comments on the draft. That response becomes the basis for discussion between the executive and legislative branches, which must agree on a common text for a draft bill to become law.

¶4. (SBU) Although the DPR has made serious improvements to the text of the PTPPO, the new draft of the legislation continues to fail to adequately address debt bondage. While debt bondage has been listed as a criminal act under the PTPPO, the bill does not include debt bondage as one of the forms of exploitation which constitutes the crime of human trafficking. Moreover, the term "debt bondage" is not specifically defined in the text of the legislation. While the bill addresses the falsification of documents in furtherance of the crime of trafficking, it does not address the deliberate confiscation of birth certificates, immigration documents or other official documents to facilitate the crime of trafficking. DOJ Human Trafficking advisor and the Mission are coordinating with the GOI's human trafficking legislation advisor to advocate for the inclusion of these and other improvements to the draft.

¶5. (SBU) The schedule adopted by the Ministry provides that public hearings and a meeting of the nine executive branch agencies responsible for implementing the GOI's anti-trafficking strategy must be completed before September 10. USAID and DOJ are working with Deputy Women's Empowerment Minister Sumarni Dawam Rahardjo to host the public hearings on September 6-7 and to push a series of GOI meetings and actions that will, hopefully, result in submission of their final response for Yudhoyono's consideration by September 18.

Dra. Latifah Iskandar confirms that the proposed schedule is designed to ensure that the DPR receives the Government's formal response by the September 25 deadline.

¶6. (SBU) Once the DPR receives the Executive Branch's formal response, it will initiate joint debate on the PTPPO. Dra. Sumarni Rahardjo anticipates that joint debate will begin in earnest after the end of Ramadan (October 26). Officials at the KPP, AGO and the representatives of several NGOs have all expressed their confidence and anticipation that the PTPPO will be passed by the DPR before the end of November 2006. Dra. Latifah Iskandar is also confident that the legislation will pass in the near future, but admits that the nature of the legislative process makes it impossible to guarantee a date certain for passage.

¶7. (SBU) Comment: The aggressive timeline established by the KPP demonstrates the GOI's commitment to adopting comprehensive anti-trafficking legislation. However, historic delays in the DPR's efforts to pass legislation and the GOI's regular inability to meet its own stated deadlines warrants caution in anticipating that the timeline will actually be met. We are pushing the GOI hard here and request Washington policymakers to push GOI visitors as well.

PASCOE